Extra No. 126

©

सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXVI] **TUESDAY, AUGUST 26, 2025 / BHADRA 4, 1947**

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART I-A

CENTRAL SECTION

Orders and Notifications (Other than those published in Part IV-B) under the Gujarat Local Boards, Village Panchayats, Municipal Boroughs, District Municipal, Primary Education and Local Fund Audit Acts.

PANCHAYATS, RURAL HOUSING AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 26th August, 2025

GUJARAT PANCHAYATS ACT, 1993.

No. KP/37 of 2025/PRHRDD/PRC/e-file/14/2025/2248/CH:- The following draft of rules which is proposed to be issued under sub-section (1) of section 274, read with sections 57, 71, and 85 of the Gujarat Panchayats Act, 1993 (Guj.18 of 1993) is hereby published as required by sub-section (5) of the said section 274 of the aforesaid Act, inviting objections and suggestions from all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government of Gujarat on or after the expiry of thirty days from the date of publication of this notification in the *Official Gazette.*

2. Any objection or suggestion which may be received by the Principal Secretary to the Government of Gujarat, Panchayats, Rural Housing and Rural Development Department, Sachivalaya, Gandhinagar, from any person with respect to the said draft rules before the expiry of the aforesaid period will be considered by the Government.

DRAFT NOTIFICATION

GUJARAT PANCHAYATS ACT, 1993.

No. KP/37 of 2025/PRHRDD/PRC/e-file/14/2025/2248/CH:- In exercise of the powers conferred by sub-section (1) of section 274, read with sections 57, 71, and 85 of the Gujarat Panchayats Act, 1993 (Guj.18 of 1993), the Government of Gujarat hereby makes the following rules namely:-

1. Short title and commencement.-

(1) These rules may be called *"the Gujarat Office Bearers (Procedure for Removal) Rules, 2025."*

(2) They shall come into force on the date of their publication in the *Official Gazette.*

2. Definitions.-

(1) In these rules, unless the context otherwise requires.

(a) "Act" means the Gujarat Panchayats Act, 1993;

(b) "Communication Medium" means ordinary post or Registered post Acknowledgment Due (R.P.A.D) or speed post or courier or digital medium;.

(c) "Competent Authority" means the government officer, panchayat, or authority who is appointed by the State Government through a notification in the *Official Gazette*, either published or to be published in the future, to perform the functions of the competent authority under the provisions of this Act in relation to the respective panchayats;

(d) "Office Bearer of the Panchayat" means,

(i) the Sarpanch or Deputy Sarpanch or Member of a Gram Panchayat;

(ii) the President or Vice-President or Member of a Taluka Panchayat;

(iii) the President or Vice-President or Member of a District Panchayat;

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Sources and details of complaint.-

(1) Sources of complaint:

Any information received from any source regarding corruption or irregularity or misconduct or misuse of power by office bearer of the panchayat shall be treated as a complaint. The information forming the basis for an inquiry against office bearer of the panchayat may originate from any of the following sources;-

(a) A complaint received from the general public, another office bearer, or any institution containing allegations against the office bearer of the panchayat.

(b) Irregularities, misconduct, or deficiencies noticed during office inspection or physical verification of supplies.

(c) Irregularities or misconduct observed in the office audit, such as tampering with records, excess payments or improper allocation of goods and funds.

(d) Reports arising from audit of accounts of Government and public enterprises.

(e) Irregularities or misconduct reflected in reports of Legislative Assembly Committees such as the Public Accounts Committee, Panchayati Raj Committee, Estimates Committee, etc.

(f) Proceedings of the Legislative Assembly.

(g) Reports of irregularities or misconduct published in newspapers or social media.

(h) Strategic or commissioned data collected by any agency.

(i) On the basis of information (tip-off) received from a known or verifiable source, recorded in writing by a competent authority of the administration.

(j) If office bearer of the panchayat is found guilty of misconduct in performing their duties, engages in disgraceful conduct, abuses power, repeatedly commits defaults in carrying out duties under the Act, or is unable to discharge their duties as per the Act then, the competent authority specified in Annexure-I may initiate Suo motu action.

(2) Details of complaint:

It is necessary that the following details be clearly mentioned in the complaint made against office bearer of the panchayat;-

1. The name of the complainant;-
2. Complainant complete address;-
3. Complainant contact number;-
4. Details of allegation;-
5. Supporting evidence related to the complaint, such as photographs, audio or video recordings, copies of records, etc.

4. Procedure to be followed to address complaint.-

1. A complaint shall be made in accordance with the provisions mentioned in rule 3.
2. If the complaint is submitted through digital medium, the complainant must ensure that the original complaint must be submitted to the concerned office within seven days from the date of the complaint.
3. The office of the District Panchayat and the Office of the Development Commissioner shall maintain the record of the complaint received regarding taking action against the office bearer of the Panchayat.
4. When a complaint, containing allegations against the office bearer of the Panchayat is received, a primary scrutiny must be conducted in accordance with rule 3. If deemed appropriate, the competent authority shall consider the complaint for further inquiry otherwise, the complaint that is vague or unfounded shall be disposed.
5. While deciding on the complaint, the competent authority shall ensure that the complaint serves the public interest.
6. If there are valid reasons in complaint for inquiry against office bearer of the Panchayat, the competent authority shall obtain factual report from concerned officer.

5. Inquiry procedure.-

1. If, upon conclusion of the inquiry under rule 4, the Competent Authority has reason to believe that the panchayat office bearer is liable to be removed under the relevant provisions of the Act, then a detailed show-cause notice shall be issued to the concerned office bearer of the panchayat.
2. Along with the show-cause notice, all the evidence against the office bearer of the panchayat office shall be provided.
3. The show-cause notice shall be served to concerned office bearer of the panchayat, through Communication Medium. If the show-cause notice is refused or not accepted, it shall be affixed in the presence of two witnesses to be considered as valid service.
4. Upon receiving the show-cause notice, the concerned office bearer of the panchayat shall submit a written explanation within fifteen days. If no explanation is submitted, a maximum of two reminders shall be sent. If there is still no response, the competent authority may proceed with an ex-parte decision.
5. If a written explanation is received, a personal hearing shall be conducted. The notice for such hearing shall clearly mention the date, time and place of hearing. The concerned office bearer of the panchayat may appear in person or through an authorized advocate.

6. Taking into account the absence or request of the concerned office bearer of the panchayat, the hearing may be adjourned and conducted up to a maximum of three times. Thereafter, a decision shall be taken as per rule 6.

7. The entire procedure, from serving notice to the final order, shall be concluded within three months. If an extension is required for reasonable cause, such reasons shall be stated in the final order.

6. Final decision and order.-

(1) If allegations regarding complaint of corruption or misconduct or disgraceful behaviour or abuse of power or inability to discharge duties proved, the Competent Authority specified in Annexure-I shall after following the procedure as provided in rule 5, take decision and pass the final order as per the provisions of the Act.

(2) The Competent Authority shall notify the final order made to the office bearer of the panchayat or as the case may be, to the complaint by delivered in person or via communication medium.

7. Right to appeal.-

(1) Any person aggrieved by the decision and final order of the competent authority as per rule 6(1), may within thirty days from the date of receiving the final order, file an appeal to the appellate authority in Annexure-II.

(2) After filing the appeal, the hearing process shall be completed within four months from the receipt of the appeal. If an extension is required for reasonable cause, such reasons shall be stated in the final order of appeal.

(3) The appellate authority shall notify the final order of appeal to the office bearer of the panchayat or as the case may be, to the appellant by delivered in person or via communication medium.

8. Action against false complaints.-

If, upon inquiry, it is found that a complaint has been made falsely or frivolously or with malicious intent, the Competent Authority may take the following actions against the complainant,

(a) A written warning may be issued for the first false complain;

(b) If the complainant is found guilty of filing multiple false/frivolous complaints, the Competent Authority may impose a ban on filing further complaints for a period of one year;

(c) The Competent Authority or the officer of the concerned office may file police complaint against the complainant in the case of complaint found false, frivolous and vexatious repeatedly;

(d) However, no action shall be taken against a complaint made in good faith.

Explanation:-

For the purpose of this rule, the term "good faith" shall have the same meaning as defined in Section 2(11) of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

Annexure-I

(see rule 2)

Sr. No.	Panchayat Office Bearer	Competent Authority	Panchayat Department Gazette Notification No.
1	Member/Sarpanch/Deputy Sarpanch of Gram Panchayat	District Development Officer	KP-91 of 1995-MIS-2691-1079-J, 15-05-95
2	Member/President/Vice-President of Taluka Panchayat	District Development Officer	KP-193 of 1994 -DEL-1094-1247(ii)-J, 26-07-94
3	Member/President/Vice-President of District Panchayat	Office of the Development Commissioner	KP-193 of 1994-DEL-1094-1247(ii)-J, 26-07-94

Annexure-II

(see rule 7)

Sr. No.	Panchayat Office Bearer	Appeal Authority	Panchayat Department Gazette Notification No.
1	Member/Sarpanch/Deputy Sarpanch of Gram Panchayat	Additional Development Commissioner	KP-194 of 1994-DEL. 1094-1289-J, 29-07-94
2	Member/President/Vice-President of Taluka Panchayat	Development Commissioner	KP-192 of 1994-DEL-1094-1247(1)-J, 26-07-94
3	Member/President/Vice-President of District Panchayat	Secretary, Panchayat Rural Housing and Rural Development Department	KP-192 of 1994-DEL-1094-1247(1)-J, 26-07-94

By order and in the name of the Governor of Gujarat,

DARSHAN DESAI,

Under Secretary to Government.

Signature Not Verified
Signed by:BHOLUSINGH G THAKUR
Date: 2025.08.28 08:21:51 +05:30
Reason: Validate Document
Location: Government Central Press, Gandhinagar